

HOUSE FILE _____
BY WESSEL=KROESCHELL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to criminal sentencing by repealing certain
2 penalties for controlled substances offenses and requiring
3 judicial officer training.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1889HH 82
6 jm/es/88

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1 1 Section 1. Section 124.401E, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. If a court sentences a person for the person's second
1 4 or subsequent conviction for delivery or possession with
1 5 intent to deliver a controlled substance under section
1 6 124.401, subsection 1, and the controlled substance is
1 7 amphetamine, its salts, isomers, or salts of its isomers, or
1 8 methamphetamine, its salts, isomers, or salts of its isomers,
1 9 the court, in addition to any other authorized penalties,
1 10 shall sentence the person to imprisonment in accordance with
1 11 section 124.401, subsection 1, ~~and the person shall serve the~~
~~1 12 minimum period of confinement as required by section 124.413.~~
1 13 Sec. 2. Section 124.406, subsection 1, paragraph a, Code
1 14 2007, is amended to read as follows:
1 15 a. Unlawfully distributes or possesses with intent to
1 16 distribute a substance listed in schedule I or II to a person
1 17 under eighteen years of age commits a class "B" felony ~~and~~
~~1 18 shall serve a minimum term of confinement of five years.~~
~~1 19 However, if the substance was distributed in or on, or within~~
~~1 20 one thousand feet of, the real property comprising a public or~~
~~1 21 private elementary or secondary school, public park, public~~
~~1 22 swimming pool, public recreation center, or on a marked school~~
~~1 23 bus, the person shall serve a minimum term of confinement of~~
~~1 24 ten years.~~
1 25 Sec. 3. Section 124.406, subsection 2, paragraph a, Code
1 26 2007, is amended to read as follows:
1 27 a. Unlawfully distributes or possesses with the intent to
1 28 distribute a counterfeit substance listed in schedule I or II,
1 29 or a simulated controlled substance represented to be a
1 30 substance classified in schedule I or II, to a person under
1 31 eighteen years of age commits a class "B" felony. ~~However, if~~
~~1 32 the substance was distributed in or on, or within one thousand~~
~~1 33 feet of, the real property comprising a public or private~~
~~1 34 elementary or secondary school, public park, public swimming~~
~~1 35 pool, public recreation center, or on a marked school bus, the~~
~~2 1 person shall serve a minimum term of confinement of ten years.~~
2 2 Sec. 4. Section 232.45, subsection 14, unnumbered
2 3 paragraph 1, Code 2007, is amended to read as follows:
2 4 If a child who is alleged to have delivered, manufactured,
2 5 or possessed with intent to deliver or manufacture, a
2 6 controlled substance except marijuana, as defined in chapter
2 7 124, is waived to district court for prosecution, the
2 8 ~~mandatory minimum sentence provided in section 124.413 shall~~
~~2 9 not be imposed if a conviction is had; however, each child~~
2 10 ~~convicted of such an offense~~ shall be confined for not less
2 11 than thirty days in a secure facility if convicted.
2 12 Sec. 5. Section 602.1203, Code 2007, is amended to read as
2 13 follows:
2 14 602.1203 PERSONNEL CONFERENCES == TRAINING.
2 15 1. The chief justice may order conferences of judicial
2 16 officers or court employees on matters relating to the
2 17 administration of justice or the affairs of the judicial
2 18 branch.
2 19 2. For judges and other court employees who handle cases

2 20 involving children and family law, the chief justice shall
2 21 require regular training concerning mental or emotional
2 22 disorders which may afflict children and the impact children
2 23 with such disorders have upon their families.

2 24 3. The chief justice shall also require regular training
2 25 for judges concerning criminal justice issues and sentencing
2 26 options for defendants.

2 27 Sec. 6. Section 901.5, subsection 10, paragraph a, Code
2 28 2007, is amended to read as follows:

2 29 a. A controlled substance offense under section 124.401,
2 30 ~~124.401A~~, 124.402, or 124.403.

2 31 Sec. 7. Section 901.10, subsection 1, Code 2007, is
2 32 amended to read as follows:

2 33 1. A court sentencing a person for the person's first
2 34 conviction under section 124.406, ~~124.413~~, or 902.7 may, at
2 35 its discretion, sentence the person to a term less than
3 1 provided by the statute if mitigating circumstances exist and
3 2 those circumstances are stated specifically in the record.

3 3 Sec. 8. Section 901.10, subsection 2, Code 2007, is
3 4 amended by striking the subsection.

3 5 Sec. 9. Section 903A.5, subsection 1, Code 2007, is
3 6 amended to read as follows:

3 7 1. An inmate shall not be discharged from the custody of
3 8 the director of the Iowa department of corrections until the
3 9 inmate has served the full term for which the inmate was
3 10 sentenced, less earned time and other credits earned and not
3 11 forfeited, unless the inmate is pardoned or otherwise legally
3 12 released. Earned time accrued and not forfeited shall apply
3 13 to reduce a mandatory minimum sentence being served pursuant
3 14 to section ~~124.406~~, ~~124.413~~, 902.7, 902.8, ~~902.8A~~, or 902.11.
3 15 An inmate shall be deemed to be serving the sentence from the
3 16 day on which the inmate is received into the institution. If
3 17 an inmate was confined to a county jail or other correctional
3 18 or mental facility at any time prior to sentencing, or after
3 19 sentencing but prior to the case having been decided on
3 20 appeal, because of failure to furnish bail or because of being
3 21 charged with a nonbailable offense, the inmate shall be given
3 22 credit for the days already served upon the term of the
3 23 sentence. However, if a person commits any offense while
3 24 confined in a county jail or other correctional or mental
3 25 health facility, the person shall not be granted jail credit
3 26 for that offense. Unless the inmate was confined in a
3 27 correctional facility, the sheriff of the county in which the
3 28 inmate was confined shall certify to the clerk of the district
3 29 court from which the inmate was sentenced and to the
3 30 department of corrections' records administrator at the Iowa
3 31 medical and classification center the number of days so
3 32 served. The department of corrections' records administrator,
3 33 or the administrator's designee, shall apply jail credit as
3 34 ordered by the court of proper jurisdiction or as authorized
3 35 by this section and section 907.3, subsection 3.

4 1 Sec. 10. Sections 124.401A, 124.401C, 124.413, and 902.8A,
4 2 Code 2007, are repealed.

4 3 EXPLANATION

4 4 This bill relates to mandatory minimum penalties for
4 5 certain controlled substances offenses and judicial officer
4 6 training.

4 7 The bill repeals Code section 124.401A, which provides for
4 8 an additional term of confinement of five years if a person is
4 9 convicted of a drug-related offense within 1,000 feet of a
4 10 school, public park, public swimming pool, public recreation
4 11 center, or marked school bus.

4 12 The bill repeals Code section 124.401C, which provides for
4 13 an additional term of confinement of five years if a person
4 14 manufactures methamphetamines in the presence of a minor.

4 15 The bill repeals Code section 124.413 requiring a person,
4 16 if convicted of a controlled substance-related offense under
4 17 Code section 124.401, subsection 1, to serve a minimum term of
4 18 confinement equal to one-third of the maximum sentence.

4 19 The bill repeals Code section 902.8A requiring a person, if
4 20 convicted of an amphetamine or methamphetamine-related offense
4 21 under Code section 124.401D, to serve a minimum term of
4 22 confinement of 10 years.

4 23 The bill requires regular training for judges concerning
4 24 criminal justice-related issues and sentencing options for
4 25 defendants.

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